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December 23, 2008

Mr. Randy Bates
Director
Division of Coastal and Ocean Management
Alaska Department of Natural Resources
P.O. Box 111030
Juneau, AK 99811-1030

**BY FAX TO (907) 465-3075
& Next Day UPS Delivery**

**RE: Comments on Alaska Coastal Management Program (ACMP)
Program Re-Evaluation
Proposed Statutes AS 46.39 and AS 46.40
Regulations 11 AAC 110, 11 AAC 112, and 11 AAC 114**

Dear Mr. Bates,

ConocoPhillips Alaska Inc. (CPAI) participated in ACMP RE-Evaluation Stakeholder Workshops (September and October 2008), teleconferences discussing the draft statutes and conceptual regulations (November 2008), and the Coastal Workshop (December 2008) hosted by the Alaska Department of Natural Resources (ADNR) Division of Coastal and Ocean Management (DCOM) regarding proposed changes to statutes (AS 46.39 and AS 46.40) and regulations (11 AAC 110, 11 AAC 112, and 11 AAC 114) governing the Alaska Coastal Management Program (ACMP). CPAI appreciates the thorough process DCOM conducted to develop the proposed statutes and regulations. CPAI has prepared this formal response to DCOM's proposed statutes and regulations and offers the following comments for consideration.

Retention of the Centralized Program

CPAI applauds the efforts of the administration to consider a different approach for stakeholder participation in the ACMP process, while retaining the centralized process. As stated in our earlier comments, CPAI has been and remains a supporter of the centralized ACMP process which resulted from the passage of HB 191.

This approach eliminates enforceable policies which may be conflicting between coastal districts, state, and federal agencies and which could result in a loss of conformity of district policies that currently exists in the ACMP program. The existing statewide standards provide clear and concise predictability to the ACMP process. Coastal districts are still afforded the ability to propose enforceable policies that conform to the district plan approval criteria and requirements outlined in 46.40.040 and 46.40.070; or those that are not duplicative, restate existing state or federal policies, and do not redefine, replace, or otherwise modify existing standards.

Elimination of the Alaska Department of Environmental Conservation (ADEC) Carve Out (AS 46.40.040 and 46.40.096)

CPAI believes the ADEC carve out should be retained in its present form and that the carve out should not be eliminated from the ACMP program. CPAI believes there is significant misunderstanding by many stakeholders on this matter. Approvals for air, water, and C-Plan permits require public notice and public comment periods which allow for public input. The public notice and comment periods for these permits were not negatively effected by carving out the ADEC permit. Timelines associated with these approval processes are at least six months in duration, far longer than the existing 50 – 90 day ACMP coordination process. In addition, the timelines for public participation do not align with the intent or the process of the ACMP program which is one of thoughtful timely coordination and decision making.

Eliminating the ADEC carve out will re-introduce conflicting regulatory mandates between ADEC and the ACMP process, and will delay the start of the consistency review process. Adequate public participation and opportunities for review by coastal districts is provided in the existing program. Adequate environmental protection is being provided by ADEC, regardless of whether or not their approvals are part of a consistency review process.

Support for Coastal Project Questionnaire "short-form"

Completion of a 20 – 30 page coastal project questionnaire for "A" and "B" listed activities is burdensome on both the applicant and the reviewing agencies. "A" and "B" listed activities are considered categorically consistent or generally consistent by regulation and should not require the additional effort of restating and documenting consistency. A "short form" coastal project questionnaire (CPQ) is needed for projects qualifying for "A" and "B" listed activities.

Creating and implementing a "short-form" for "A" and "B" listed activities will reduce DCOM and participating agency review requirements and applicant preparation time. It is unreasonable to require the entire coastal project questionnaire for projects that do not require a consistency review. CPAI encourages DCOM to develop a streamlined "short-form" for "A" and "B" listed activities.

CPAI appreciates the opportunity for input and comment on this important matter and looks forward to working with DCOM and other ACMP stakeholders as the program re-evaluation progresses. If you have any questions or would like additional information do not hesitate to contact me by e-mail at dale.d.summerlin@conocophillips.com, by phone at 907-263-4682, or by mail at the letterhead address.

Sincerely,



Dale Summerlin
Vice President
Health, Safety, Environment